

ABSTRACT

thesis

LEGAL LIABILITY OF A DOCTOR

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The purpose of my thesis is to analyse briefly the issue of legal liability of a doctor for his professional duties. Stemming from relevant legislation, the doctor owes many duties and responsibilities and his failure to obey them properly could lead to various liabilities.

The aim of the paper is not to consider in a detail all the questions concerning the liability of the doctor. On the contrary, I try to outline particular kinds of the doctor's liability in a systematic way and furthermore to scrutinize some partial issues relating thereto.

The reason that led me to my research is the fact that the more human rights are recognized the more prudent and diligent the doctor must be while treating his patients. Legal approach towards medical treatment has changed over past few decades but is the society and especially affected professionals ready for this change?

This thesis is divided into two parts having eight chapters altogether. Each of chapters deals with different aspects of the subject matter. The introductory chapter points out basics of the medical law and gives a brief look at the evolution of a legal approach towards the liability of the doctor during ages. The rest of the first part briefly characterizes common premises of the legal liability in general and its different sorts in respect of a doctor under Czech law system. Considering types of liability, we generally recognize criminal, civil, labour, administrative, and disciplinary kind.

In the second part, I pay attention to some of the actual questions regarding provision of medical treatment. Particularly, I focus on necessary conditions to be met that a

medical intervention be legal, then causal relation between malpractice and damages, and damages payable to patients.

In conclusion, when summarising today's stage of the medical law in Czech republic, I suggest that new legislation or at least some amendments thereto should be passed; solutions adopted in some foreign countries can serve as a good example.